



Clay County Board Minutes



COUNTY BOARD OF SUPERVISORS

Courthouse, Clay Center, Nebraska, February 10, 2015 at 9:00 A.M.

The Clay County Board of Supervisors met February 10, 2015 as per public notice given in the Clay County News on February 4, 2015 a copy of the proof of publication being on file in the County Clerk's Office. Availability of the agenda was communicated in the advance notice of the meeting. Chairman Nuss presided with roll call showing the following present: Fintel, Samuelson, Anderson, Schmidt, Shaw and Nuss; absent: Johnson. Minutes of the meeting held January 27, 2015 were mailed to the board members. All of the proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

Chairman, Todd Nuss stated that the open meeting law poster is posted on the west wall in the back of the room.

Motion by Fintel and seconded by Shaw to approve the minutes of the meeting held January 27, 2015 as mailed. On roll call, yea: Samuelson, Anderson, Schmidt, Shaw, Fintel and Nuss; absent: Johnson. Motion carried.

During public input, the new representative from Murphy Tractor introduced himself to the board.

Thomas Roemmich II, Highway Superintendent reported on snow removal and discussed placing weight limits on roads. Last year the limits were put into place in March; this will be discussed again at the next meeting. Armor coating versus asphalt overlay was discussed. Tom will present some budget projections for the upcoming years.

Motion by Samuelson and seconded by Fintel to open the One & Six Year Road Plan public hearing at 9:15 A.M. On roll call, yea: Anderson, Schmidt, Shaw, Fintel, Samuelson and Nuss; absent: Johnson. Motion carried.

An easement from Windstream was presented. Motion by Shaw and seconded by Schmidt to approve the request from Windstream Nebraska, Inc. to install communications facilities occupying the Right-of-Way on Road 306 between Roads C & D along the line of Section 4 and Section 9, Township 5-N, Range 8-W; work order #150226606-50157. On roll call, yea: Schmidt, Shaw, Fintel, Samuelson, Anderson and Nuss; absent: Johnson. Motion carried.

Tom presented the official maps and told the board the only thing different from the preliminary discussion was that he added the grading on the Sutton Road (#278) that the board had requested.

There was no one else present during the hearing. There were no written or oral comments, suggestions or objections received.

Other agenda items were dealt with during the hearing time.



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Ted Griess, County Attorney reported that he would be going to Omaha tomorrow for the hearing on the Inheritance Tax re-determination. A TERC hearing has been scheduled for the 20th in Aurora.

Motion by Anderson and seconded by Samuelson to close the One & Six Year Road Plan hearing at 10:16 A.M. On roll call, yea: Shaw, Fintel, Samuelson, Anderson, Schmidt and Nuss; absent: Johnson. Motion carried.

Motion by Fintel and seconded by Schmidt to approve the 1 & 6 Year Road plan as presented by Thomas Roemmich II, Highway Superintendent, and adopt Resolution #15-01. On roll call, yea: Fintel, Samuelson, Anderson, Schmidt, Shaw and Nuss; absent: Johnson. Motion carried.

RESOLUTION #15-01

WHEREAS: The Clay County Board of Supervisors met February 10, 2015, at 9:15 A.M. for a public hearing in the Clay County Courthouse, Clay Center, Nebraska to consider the County One and Six Year Road Plan, as prepared by Thomas Roemmich II,

WHEREAS: No public interest and/or suggestions were heard at the public hearing on February 10, 2015, therefore,

BE IT RESOLVED by the Clay County Board of Supervisors, that the One and Six Year Road Plan as prepared and presented by Thomas Roemmich II, Clay County Highway Superintendent, is hereby adopted.

Passed and approved this 10th day of February, 2015.

ATTEST: /s/ Deborah Karnatz, County Clerk

CLAY COUNTY: /s/ Todd Nuss, Board Chairman

The clerk reported that the AS400 that runs the programs for the Clerk and the Treasurer's office needs to be updated. The current machine was installed in the early 90's and probably should have been updated several years ago. The update is needed for the timekeeping system that is being looked at. The cost would be around \$12,000.00 and could come out of the misc. sinking fund. \$90,000.00 over the past two years has been put into that fund from the general fund for equipment and building improvements. The board gave their approval to go forward with the upgrade.

The recent snows are believed to be the cause of a leak in the Jury Room on the third floor of the courthouse. A roofing company is coming to check out the roof. An electrical concern at the Health Dept. was discussed. Supervisor Anderson reported that the generator at that location is now operational. These situations prompted the board to discuss better designation of responsibilities when the custodian is gone. They will discuss this again next week.

Motion by Samuelson and seconded by Fintel to open the public hearing at 10:45 A.M. On roll call, yea: Samuelson, Anderson, Schmidt, Shaw, Fintel and Nuss; absent: Johnson. Motion carried. The purpose of which is to hear and act upon the recommendation from the Clay County Planning and Zoning Commission regarding a



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conditional use permit for a proposed large concentrated feeding operation to be located in part of the NE ¼ of Sec. 24-T7N-R7W.

Barb Barnett, Zoning Administrator presented the recommendation of the Clay County Planning and Zoning Commission for a conditional use permit for a proposed large concentrated feeding operation. Also present were members of the public. Barb presented exhibits to go along with the recommendation. The Planning and Zoning Commission recommended approval of the permit with conditions. Barb stated that the Commission can only make recommendations, it is up to the Board of Supervisors to approve or disapprove the permit. All requirements are being met. The biggest concerns that were voiced from the public were about the potential odor. Walt Traudt was present to explain the process and answer questions. Tyler Fitzke also spoke about the application process; he has been doing this for nine years. The concerns with the containment pit and the application of the manure causing odors was discussed. Those things are regulated by the DEQ not the county. The county only decides if the proposed facility meets zoning regulations.

Motion by Anderson and second by Fintel to close the public hearing at 11:29 AM. On roll call, yea: Anderson, Schmidt, Shaw, Fintel, Samuelson and Nuss; absent: Johnson. Motion carried.

Motion by Shaw and seconded by Samuelson to accept the recommendation of the Clay County Planning and Zoning Commission to approve the request from Traudt Enterprises, Inc. for a conditional use permit for a large concentrated feeding operation per the conditions outlined on the recommendation. On roll call, yea: Shaw, Samuelson, Anderson and Nuss; nay: Schmidt and Fintel; absent: Johnson. Motion carried.

Jim Morgan from South Heartland District Health Dept. met with the board to discuss re-testing the courthouse for radon. The first testing was paid for by a grant. There is no grant money so the cost of the 20 kits that will be used would be \$100.00. There will be no charge for their time or mileage.

Motion by Samuelson and seconded by Fintel to authorize the chairman to sign the Memorandum of Understanding between South Heartland District Health Department and Clay County for follow up testing for radon in the courthouse. On roll call, yea: Shaw, Fintel, Samuelson, Anderson, Schmidt and Nuss; absent: Johnson. Motion carried.

Jenny Rees, Ag Extension Educator submitted names for the supervisor's consideration as appointments to the Clay County Extension Board. Josh Anderson and Brad Nunnenkamp are eligible to serve second terms and have agreed to do so. Amanda Skalka would be filling the position formerly held by Cindy Felber who has completed her term.

Motion by Fintel and seconded by Samuelson to re-appoint Josh Andersen and Brad Nunnenkamp to the Clay County Extension Board for another three year term from January 2015-January 2018. On roll call, yea: Fintel, Samuelson, Anderson, Schmidt, Shaw and Nuss; absent: Johnson. Motion carried.



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Motion by Shaw and seconded by Schmidt to appoint Amanda Skalka to the Clay County Extension Board for a three year term from January 2015-January 2018. On roll call, yea: Samuelson, Anderson, Schmidt, Shaw, Fintel and Nuss; absent: Johnson. Motion carried.

The fee reports were circulated for review. Motion by Anderson and seconded by Schmidt to accept the fee reports for the following county officials for the month of January 2015: County Clerk, \$21,430.50, County Court \$13,547.07, Clerk of District Court, \$42,418.25, and County Treasurer receipts #15010001 thru #15010053 in the amount of \$219,798.54. County Sheriff for the month of December 2014 \$1,672.69. On roll call, yea: Anderson, Schmidt, Shaw, Fintel, Samuelson and Nuss; absent: Johnson. Motion carried.

The recent snow storm and courthouse closing prompted the discussion of direct deposit for paychecks. The clerk explained that although the courthouse was closed it is the first time in the 24 years that she has been here that the courthouse was closed on payday. The clerk checked with the bank. Direct deposit would not only be more work in a short time span but there would also be costs associated with this and the employees would not receive their money any sooner than they are getting it now and in some instances they would be receiving the money days later. The board decided to leave the distribution of paychecks the way it is.

The board discussed the policy for closing the courthouse because of bad weather. The courthouse being closed for two days in one week is rare. The policy of the courthouse being closed when all three schools are closed or opening late when all three schools open late will continue.

Motion by Samuelson and seconded by Shaw to adjourn this meeting at 12:26 P.M.; next meeting scheduled for February 17, 2015. On roll call, yea: Schmidt, Shaw, Fintel, Samuelson, Anderson and Nuss; absent: Johnson. Motion carried.

Deb Karnatz, County Clerk

Todd Nuss, Chairman